

REMARKS

Applicants thank Examiner Dote for indicating that Claim 11 is allowed. However, it is believed that all pending claims are in a condition for allowance. It is kindly asked that the Examiner acknowledge the same upon consideration of the following remarks.

The filing date of the present application is December 1, 2003. The present application claims priority to Japanese Patent Application No. 2002-349008 (JP '008), which was filed in the Japanese Patent Office on November 29, 2002. Applicants filed a certified copy of JP '008 and a Request for Priority to JP '008 on December 1, 2003. The Examiner acknowledged Applicants' claim to priority under 35 U.S.C. § 119 to JP '008, as evidenced from page 1 of the March 21, 2005 Office Action. Applicants file concurrently herewith an English translation of JP '008 and a statement by the translator of JP '008, Mr. Shinji Matsumoto, that the English translation is a true and correct translation of JP '008. Accordingly, Applicants' claim to priority under 35 U.S.C. § 119 to JP '008 has now been perfected. It is kindly requested that the Examiner acknowledge the same.

Claims 1-18 are pending.

The rejection of Claims 1-10 and 12-18 under 35 U.S.C. § 102(e), or in the alternative under 35 U.S.C. § 103(a), over the disclosure of U.S. Patent Application Publication No. 2004/0142265 (hereinafter US '265) is respectfully traversed.

The publication date of US '265 is July 22, 2004, and the U.S. filing date of US '265 is November 14, 2003. Since the U.S. filing date of US '265 antedates the filing date of the present application by approximately two weeks, US '265 may qualify as prior art under 35 U.S.C. § 102(e). However, Applicants have perfected priority to JP '008, which has a filing

date of November 29, 2002 and antedates the filing date of US '265. Accordingly, the disclosure of US '265 is not available as prior art under 35 U.S.C. § 102(e).

It is kindly requested that the Examiner withdraw this rejection.

The rejections of Claims 1-10, 12, and 15-18 under 35 U.S.C. § 103(a)/102(a) and 35 U.S.C. § 103(a)/102(e) over the disclosure of U.S. Patent Application Publication No. 2003/0138717 (hereinafter US '717) is respectfully traversed.

The publication date of US '717 is July 24, 2003, which antedates the filing date of the present application by about 4.5 months. Therefore, US '717 may qualify as prior art under 35 U.S.C. § 102(a) as of July 24, 2003. However, Applicants have perfected priority to JP '008, which has a filing date of November 29, 2002 and antedates the publication date of US '717. Accordingly, the disclosure of US '717 is not available as prior art under 35 U.S.C. § 103(a)/102(a).

It is kindly requested that the Examiner withdraw this rejection.

Since the publication date of US '717 is July 24, 2003 and since the filing date of US '717 is October 31, 2002, US '717 may qualify as prior art under 35 U.S.C. § 102(e) as of October 31, 2002. However, Applicants note that the presently claimed subject matter and the subject matter of US '717 were commonly owned at the time the presently claimed invention was made. Accordingly, the disclosure of US '717 does not qualify as prior art under 35 U.S.C. § 103(a)/102(e).

It is requested that the Examiner withdraw this rejection.

The objections to the disclosure of the present application are obviated-in-part by amendment and traversed-in-part.

The Specification is amended to provide an Abstract and to correct the typographical error on page 16, lines 5-6. The Specification is also amended to replace "Henschel mixer" with "HENSCHEL MIXER." Additionally, the Specification is amended to provide adequate antecedent basis for the subject matter in Claims 8 and 11. It is believed that these amendments obviate the objections made by the Examiner as noted in ¶ 3, ¶ 4, ¶ 5(1), and ¶ 5(2) on pages 3-5 of the March 21, 2005 Office Action.

Concerning the objection noted in ¶ 5(3) on page 5 of the March 21, 2005 Office Action, Applicants believe that there is adequate antecedent basis for original Claim 18. The Examiner's attention is directed to the Specification text beginning on page 38, line 14 and ending on page 47, line 17. Specifically, the Examiner's attention is directed to the Specification text on page 44, lines 20ff (dissolving...); page 45, lines 18ff (mixing...); page 45, lines 27ff (removing...), and page 46, lines 18ff (washing...). Therefore, based on the identified Specification text, Applicants believe that there is adequate antecedent basis in the Specification for original Claim 18.

In view of the amendments to the Specification and the comments of the previous paragraph, it is kindly requested that the Examiner withdraw these objections.

Applicants note the Examiner's remarks made in ¶ 2 on pages 2-3 of the March 21, 2005 Office Action concerning the Information Disclosure Statement filed December 1, 2003.

In response to these comments, Applicants filed on June 23, 2005 copies of those portions of the U.S. patent applications that were cited in the Information Disclosure Statement filed December 1, 2003. Additionally and on the same date, Applicants also filed an Information Disclosure Statement citing a portion of U.S. Patent Application No.

Application No. 10/724,260  
Reply to Office Action of March 21, 2005

11/100,813. It is kindly requested that the Examiner acknowledge consideration of all of these references in the following Office Communication.

Applicants also note the Examiner's comments made in ¶ 6 and ¶ 7 on pages 5-6 of the March 21, 2005 Office Action.

In view of Applicants' amendments to the specification, perfection of priority to JP '008, and remarks, Applicants believe that the present application is in a condition for allowance. Should the Examiner deem that a personal or telephonic interview would be helpful in advancing this application toward allowance, she is encouraged to contact Applicants' undersigned representative at the below-listed telephone number.

Applicants note that shortened statutory period for reply to the Office Action dated March 21, 2005 expired on June 21, 2005. Accordingly, Applicants file concurrently herewith a request for extension of time under 37 CFR § 1.136, with the appropriate fee under 37 CFR § 1.17. Should there exist a variance between that which is paid and owed, the Office is authorized to charge deposit account number 15-0030, in order to maintain pendency of the above-identified application.

Respectfully submitted,

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